

**SECOND AMENDED
APPLICATION FOR PERMISSION TO CHANGE POINT OF DIVERSION, MANNER
OF USE AND PLACE OF USE OF THE PUBLIC WATERS OF THE STATE OF
NEVADA HERETOFORE APPROPRIATED**

Date of filing in State Engineer's Office FEB 24 2003
 Returned to applicant for correction APR 02 2003
 Corrected application filed MAY 15 2003
 Map filed MAY 15 2003

The applicant **Charles & Rosemary Hanks** hereby make application for permission to change the Place of Use of a portion of water heretofore appropriated under Truckee Carson Irrigation District Serial No. 1012-1, 1015-68, & 1034-4, United States of America v. Orr Ditch Co. in Equity No. A-3, Claim No. 3; in the Federal District Court of Nevada

1. The source of water is **Truckee River**
2. The amount of water to be changed **4.23 ac ft**
3. The water to be used for **Irrigation**
4. The water heretofore permitted for **as decreed**
5. The water is to be diverted at the following point **Derby Dam located within the NE¼ SW¼ Section 19, T.20N., R.23E., M.D.B.&M.**
6. The existing permitted point of diversion is located within **No change**
7. Proposed place of use **SW¼ SW¼ of Section 14, T.20N., R.24E., M.D.B.&M. A total of .94 ac.**
8. Existing place of use **SW¼ SE¼ (.79 ac.) of Section 12, T.20N., R.24E., and NE¼ SE¼ (.15 ac.) of Section 12, T.20N., R.24E., M.D.B.&M. A total of .94 ac.**
9. Use will be from **as decreed.**
10. Use was permitted from **as decreed.**
11. Description of proposed works **dams, canals & ditches**
12. Estimated cost of works **complete**
13. Estimated time required to construct works **complete**
14. Estimated time required to complete the application of water to beneficial use **3 years**
15. Remarks:

By **Barry A. Fitzpatrick S.W.R.S. #817**
s/ Barry A. Fitzpatrick Agent
178 S. Main Street
Fallon, Nevada 89406

Compared ag/cmf ag/cmf

Protested _____

APPROVAL OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions:

This permit to change the place of use of a portion of the waters of the Truckee and Carson Rivers as set forth under the Newlands Reclamation Project rights in the Truckee and Carson River Final Decrees is issued subject to the terms and conditions imposed in said decrees and with the understanding that no other rights under the source will be affected by the change proposed herein.

This permit does not extend the permittee the right of ingress and egress on public, private or corporate lands.

The issuance of this permit does not waive the requirements that the permit holder obtain other permits from State, Federal and local agencies.

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed 4.23 acre-feet as decreed.

Work must be prosecuted with reasonable diligence and be completed on or before:

N/A

Proof of completion of work shall be filed on or before:

N/A

Water must be placed to beneficial use on or before:

May 20, 2007

Proof of the application of water to beneficial use shall be filed on or before:

June 20, 2007

Map in support of proof of beneficial use shall be filed on or before:

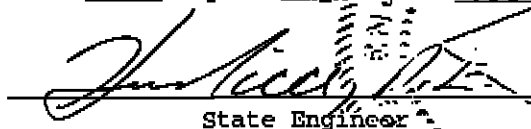
June 20, 2007

IN TESTIMONY WHEREOF, I, HUGH RICCI, P.E.,

State Engineer of Nevada, have hereunto set

my hand and the seal of my office,

this 20th day of May, A.D. 2004


State Engineer

Completion of work filed MAY 22 1992 under 56967s

Proof of beneficial use filed _____

Cultural map filed _____

Certificate No. _____ Issued _____